

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MANUEL A. BENAVIDEZ,**

**Plaintiff,**

**V.**

**THE CITY OF IRVING, TEXAS and  
HERBERT A. GEARS, THOMAS D.  
SPINK, BETH VAN DUYNE, ALLAN E.  
MEAGHER, LEWIS PATRICK, ROSE  
CANNADAY, RICK STOPFER, SAM  
SMITH, and JOE PHILIPP, in their  
official capacities,**

**Defendants.**

[illegible]

**CIVIL ACTION NO. 3:07 CV 1850-P**  
**ECF**

**APPENDIX TO PLAINTIFF’S BRIEF IN SUPPORT OF RESPONSE IN OPPOSITION  
TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.6, Plaintiff Manuel A. Benavidez files this Appendix to Plaintiff's Brief in Support of Response in Opposition to Defendants' Motion for Summary Judgment, as follows:

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1.	Plaintiff's First Amended Complaint for Declaratory and Injunctive Relief under the Voting Rights Act of 1965	Pl. App. 1-11
2.	Declaration of Richard Engstrom, Ph.D. under 28 U.S.C. sec. 1746	Pl. App. 12-13
3.	Exhibit 1: Report of Richard L. Engstrom, Ph.D.	Pl. App. 14-49
4.	Declaration of David Ely under 28 U.S.C. sec. 1746	Pl. App. 50-54
5.	Exhibit 1: Vita of David R. Ely	Pl. App. 55-58
6.	Exhibit 2: Illustrative District Analysis by David Ely	Pl. App. 59-69

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| 7.  | Exhibit 3: Map of Illustrative District C   | Pl. App. 70-71   |
| 8.  | Exhibit 4: Table re demographic characteristics of Illustrative District C  | Pl. App. 72-73   |
| 9.  | Exhibit 5: Maps of current or recently used legislative districts in Texas  | Pl. App. 74-78   |
| 10. | Exhibit 6: Profile of General Demographic Characteristics: 2000 for Irving, Texas   | Pl. App. 79-81   |
| 11. | Exhibit 7: 2005-2007 American Community Survey 3-Year Estimates for Irving, Texas   | Pl. App. 82-85   |
| 12. | Declaration of Michael Veaser, Esq.   | Pl. App. 86-87   |
| 13. | Exhibit 1: Plaintiff's Disclosure of Expert Testimony Pursuant to Rule 26(a)(2)   | Pl. App. 88-91   |
| 14. | Exhibit 2: Analysis of Registered Voters and Illustrative Irving City Council District by David Ely   | Pl. App. 92-103  |
| 15. | Exhibit 3: Analysis of Rives' and Alford's Rebuttal Reports by David Ely  | Pl. App. 104-109 |
| 16. | Exhibit 4: Excerpts of City of Irving (Texas) City Charter, Article IV: Section 4   | Pl. App. 110-113 |
| 17. | Exhibit 5: Cover letter and Exhibit 6 to the City of Irving's Submission for Preclearance under Section J of the Voting Rights Act for the City of Irving, Texas                    | Pl. App. 114-124 |
| 18. | Exhibit 6: Excerpts of Defendants' Response to Plaintiff's First Set of Interrogatories   | Pl. App. 125-129 |
| 19. | Exhibit 7: Print out of <a href="http://www.ci.irving.tx.us/elected-officials/city-council-members.html">http://www.ci.irving.tx.us/elected-officials/city-council-members.html</a> | Pl. App. 130-135 |

Respectfully submitted,

**BICKEL & BREWER STOREFRONT, P.L.L.C.**

By: /s/ Michael Veaser

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that I caused a true and correct copy of the foregoing document to be served upon the following counsel of record in the above cause in accordance with the Federal Rules of Civil Procedure on this 29th day of December, 2008.

**Via Facsimile and E-mail**

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/s/ Michael Veaser

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